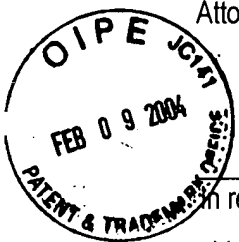


Image

Attorney Docket # 3029-74

1651
Patent \$



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Yasuhiro SAKAI et al.

Serial No.: 10/005,753

Filed: October 29, 2001

For: Method of Staining, and Detecting and Counting
Bacteria, and a Diluent for Bacterial Stain

Examiner: F. C. Prats
Group Art: 1651

I hereby certify that this correspondence is being deposited
with the United States Postal Service with sufficient postage as
first class mail in an envelope addressed to: Commissioner for
Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on
February 2, 2004
(Date of Deposit)

Kent H. Cheng
Name of applicant, assignee or Registered Representative

Kent H. Cheng
Signature

February 2, 2004
Date of Signature

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

SIR:

In compliance with the duty of disclosure under 37 C.F.R. §1.56 and in accordance with the practice
under 37 C.F.R. §§1.97 and 1.98, the Examiner's attention is directed to the documents listed on the enclosed
Form PTO 1449. Copies of the listed documents are also enclosed.

This information is being submitted subsequent to the later of three months after the filing date of the
present application or the mailing of the first Office Action on the merits, but before the mailing of a final Action
or the Notice of Allowance.

This information is being submitted after issuance of a Final Office Action on the merits, or after
issuance of a Notice of Allowance, but before payment of the Issue Fee.

STATEMENT

Each item of information contained in the Information Disclosure Statement was first cited in a
communication received from a foreign Patent Office in a counterpart foreign application not more than three
months prior to the filing of the Information Disclosure Statement.

No item of information contained in the Information Disclosure Statement was cited in a communication received from a foreign Patent Office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

In accordance with 37 C.F.R §§1.97(g) and (h), the filing of this Information Disclosure Statement should not be construed as a representation that a search has been made or that information cited is, or is considered to be, material to patentability as defined in §1.56(b), or that any cited document listed or attached is (or constitutes) prior art. Unless otherwise indicated, the date of publication indicated for an item is taken from the face of the item and Applicant(s) reserve(s) the right to prove that the date of publication is in fact different.

A check in the amount of \$180.00 in payment of the appropriate fee is enclosed.

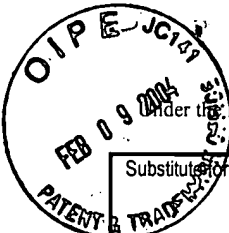
It is respectfully requested that the above information be considered by the Examiner and that a copy of the enclosed Form PTO/SB/08a be returned indicating that such information has been considered.

Respectfully submitted,
COHEN, PONTANI, LIEBERMAN & PAVANE

By:


Kent H. Cheng, Reg. No. 33,849
551 Fifth Avenue, Suite 1210
New York, New York 10176
(212) 687-2770

Dated: February 2, 2004



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| Substitute for Form 1449/PTO | | Complete if Known | |
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary) | | Application Number | 10/005,753 |
| | | Filing Date | October 29, 2001 |
| | | First Named Inventor | Yasuhiro SAKAI |
| | | Art Unit | 1651 |
| | | Examiner Name | F. C. Prats |
| Sheet 1 of 2 | Attorney Docket Number | 3029-74 | |

| U.S. PATENT DOCUMENTS | | | | | |
|-----------------------|---------------|-------------------------------|--------------------------------|--|---|
| Examiner Initials* | Cite No. 1 | Document Number | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
| | | Number-Kind-Code 2 (if known) | | | |
| | | US-5,773,592 | 6/30/98 | R. L. Mills | |
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| Examiner Initials* | Cite No. 1 | Foreign Patent Document | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T ⁶ |
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| | | GB 826,066 | 12/23/1959 | Miles Laboratories, Inc. | | |
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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary) | Complete if Known | |
| | Application Number | 10/005,753 |
| | Filing Date | October 29, 2001 |
| | First Named Inventor | Yasuhiro SAKAI |
| | Art Unit | 1651 |
| | Examiner Name | F. C. Prats |
| Sheet 2 of 2 | Attorney Docket Number | 3029-74 |

| NON PATENT LITERATURE DOCUMENTS | | | |
|---------------------------------|----------|---|----------------|
| Examiner Initials* | Cite No. | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² |
| | | Derwent Publications Ltd., "New Methine Dyes are Capable of Being Effectively Excited with Economical Helium-Neon Laser Light Source with Resultant Stronger Fluorescent Intesity", JP 2000 273330A, (Fuji Photo Film Co. Ltd.), 3 October 2000 Abstract. | |
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